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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,349	12/12/2005	Petri Lammi	P08810US00/DEJ	6401
881 7590 10/06/2008 STITES & HARBISON PLLC 1199 NORTH FAIRFAX STREET SUITE 900 ALEXANDRIA, VA 22314			EXAMINER NGUYEN, PHU HOANG	
			ART UNIT 1791	PAPER NUMBER
			MAIL DATE 10/06/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/560,349

Applicant(s)

LAMMI, PETRI

Examiner

PHU H. NGUYEN

Art Unit

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 4-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Acknowledgement is made of Amendment received 8/15/2008. Claims 1-2 and 4-9 are currently amended. Claim 3 is canceled.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/15/2008 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1, 2 and 4-9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vitkala (U.S. Pub. No. 20020134109 A1).

Regarding claim 1, Vitkala discloses a method to observe glass sheets and to regulate the heating effect of heating elements (3, fig. 1) for the glass sheets in a sheet glass hardening furnace (1, fig. 1), which furnace comprises a glass heating section (space between reference signs 5 and 2 of fig. 1) capable of receiving multiple glass sheets, a transportation rail (6, fig. 1) to transport the glass sheets in a transport

direction to and from the heating section where the heating elements heat the glass sheets by means of radiation and air blasts, and a furnace control system to carry out a hardening process of the glass sheets (paragraph 19), said method comprising steps of:

positioning lateral blast channels, which produce the air blasts, laterally along the transport direction in the heating section,

locating measuring instruments (23, fig. 2), which measure air temperature in the heating section above the glass transportation rail, along a plurality of laterally observation lines, and disposing the observation lines side by side and parallel to associated blast channels in the heating section,

observing a location area in the glass heating section of the furnace of one or more glass sheets along the observation lines, said observing step including the step of watching for the one or more glass sheets from the glass sheet level with the measuring instruments, whereby a lowered temperature measured by a measuring instrument of an associated observation line is indicative of the present of a glass sheet to be heated along the associated observation line (paragraph 19), and

raising the heating effect of the heating elements by regulation with a control system (10, fig. 1) at the location area or areas of the one or more glass sheets observed by said observing step (paragraph 19).

Although Vitkala discloses positioning lateral blast channels instead of longitudinal blast channels, rearrangement of parts from lateral to longitudinal would not have modified the operation of the device. Therefore, this rearrangement would not be

patentable over the prior art (See *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950)).

Regarding claim 2, Vitkala disclose detectors (23, fig. 2) of the temperature measuring instruments are located in the furnace one after another along each observation line.

Regarding claims 4-5 and 9, although Vitkala does not disclose the exact location of the detector relative to the transportation rail and the number of detectors, it would have been obvious to one of ordinary skill in the art to determine the location and the number of detectors needed through routine experimentations for optimizing the heating process. See *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955) and *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960) where optimization (range of distance of sensors from the rail for this case) and duplication of parts (number of sensors for this case) were held unpatentable.

Regarding claims 6-8, Vitkala discloses control system (10, fig. 2) receives the information from sensors (23, fig. 2) to compare with a set value of the control system to regulate the heating cycle [0019]. Also, the difference in temperature changes of the radiation heating provide the control system indirectly with information regarding the size, particularly width of the glass panel brought into the furnace. Therefore, it would have been an obvious property of the control system to use the information provided by the sensors to make an appropriate calculation to regulate the heating cycle.

Response to Arguments

Applicant's arguments with respect to claims 1-2 and 4-9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHU H. NGUYEN whose telephone number is (571)272-5931. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Phillip Tucker can be reached on 571-272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

P.N 9/30/2008

***/Philip C Tucker/
Supervisory Patent Examiner, Art Unit 1791***